

## **Abstract**

The right to an independent and impartial tribunal is one of core elements of a fair trial. Therefore, it is vital to lay emphasis on this requirement. Independent and impartial tribunals are the cornerstone of a democratic and modern society respecting the rule of law. Effective fulfilment of this requirement promotes faith in courts, the judicial system and justice itself. Independent and impartial tribunals are a necessary prerequisite to protection of other rights. Although the right to an independent and impartial tribunal is enshrined in many international treaties, this requirement is not always met in practice. This problem is emphasised, inter alia, by the Council of Europe which adopted the Plan of Action on Strengthening Judicial Independence and Impartiality in 2016, due to unsatisfactory fulfilment of this requirement among European countries.

The main subject of this thesis is an analysis of judgements of the Grand Chamber of the European Court of Human Rights concerning the right to an independent and impartial tribunal in a wider international context. Case law of the European Court of Human Rights significantly influences not only the general European view on human rights but it has also a substantial impact on the Czech legal environment.

This thesis is divided into three sections. The first section is focused on a basic concept of independent and impartial tribunals based on main international binding and non-binding documents. An analysis of the main guarantees ensuring truly independent and impartial tribunals is included as well. The second section mainly focuses on the European legal environment, specifically on the enshrinement of the right to an independent and impartial tribunal in the documents of the Council of Europe. The basic approach of the European

Court of Human Rights is also examined. The last section consists of the analysis of the judgements of the Grand Chamber of the European Court of Human Rights concerning particular issues of the right to an independent and impartial tribunal.

In general, the approach of the European Court of Human Rights, respectively its Grand Chamber, is in compliance with main requirements described in the first section of this thesis. Nevertheless, in some cases, its approach can be questionable.